

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

<b>TYRONE DOUGLAS DAVIS</b>	§	<b>PETITIONER</b>
	§	
v.	§	<b>CIVIL ACTION NO. 1:07cv1253-LG-RHW</b>
	§	
<b>DALE CASKEY, Warden of East Mississippi Correctional Facility</b>	§	<b>RESPONDENT</b>
	§	

**ORDER ADOPTING PROPOSED FINDINGS OF FACT AND RECOMMENDATION**

This cause comes before the Court on the Proposed Findings of Fact and Recommendation [60] of United States Magistrate Judge Robert H. Walker, entered in this cause on October 22, 2008, recommending dismissal of the Petition for Writ of Habeas Corpus [1], for failure to exhaust, and denial of Motion for Relief [55]. Petitioner Tyrone Douglas Davis has not filed objections to the Magistrate Judge's recommendations.

The Proposed Findings of Fact and Recommendation were received by the East Mississippi Correctional Facility on October 24. On November 10, the recommendations were returned back to the Court, with the envelope marked, "Release 10/24/08. Return to sender by PARS. Unable to deliver or forward." (Dkt. No. 62). The Mississippi Department of Corrections's website indicates that Davis has been out on Earned Release Supervision since September 26, 2008. Further, he has not provided the Court with a forwarding address.

The Court finds that the Magistrate Judge properly recommended that the Petition be dismissed for failure to exhaust state remedies and the Motion for Relief be denied. After referral of hearing by this Court, no objections having been filed as to the Proposed Findings of Fact and Recommendation, and the Court, having fully reviewed the same as well as the record

in this matter, and being duly advised in the premises, finds that said Proposed Findings of Fact and Recommendation should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the Proposed Findings of Fact and Recommendation [60] of United States Magistrate Judge Robert H. Walker, entered on October 22, 2008, be, and the same hereby is, adopted as the finding of this Court.

**IT IS FURTHER ORDERED AND ADJUDGED** that the [55] Motion for Relief is **DENIED**.

**IT IS FURTHER ORDERED AND ADJUDGED** that the [1] Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. 2254 is **DISMISSED**. A separate judgment will be entered herein in accordance with this Order as required by FED. R. CIV. P. 58.

**SO ORDERED AND ADJUDGED** this the 20<sup>th</sup> day of November, 2008.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.  
United States District Judge